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Via ECF

Honorable Lewis J. Liman
U.S. District Court – SDNY
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, N.Y. 10007

September 23, 2022

Re: Martinenko v. 212 Steakhouse, Inc.
22-cv-0518 (LJL)

Dear Judge Liman:

I represent the Defendants in the above entitled action and am in receipt, once again, of another of Plaintiff's unfounded and premature requests for a motion to compel, now concerning a deposition. Not once did I receive an email or call confirming the deposition date of December 22, 2022 or a call or email just to coordinate the deposition. I don't believe that has ever occurred in my years of practice.

Notwithstanding, the Defendant will be available for the deposition on October 6, 2022 at 10:00 a.m. Nikolay Volper will be the deposed witness. I thank the Court for its review.

Respectfully submitted,

/s/ Mitchell Segal

Mitchell Segal, Esq.